

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION,  
STATE OF CALIFORNIA, STATE OF  
COLORADO, STATE OF ILLINOIS,  
STATE OF INDIANA, STATE OF IOWA,  
STATE OF MINNESOTA, STATE OF  
NEBRASKA, STATE OF OREGON,  
STATE OF TENNESSEE, STATE OF  
TEXAS, STATE OF WASHINGTON, and  
STATE OF WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,  
SYNGENTA CORPORATION,  
SYNGENTA CROP PROTECTION, LLC,  
and CORTEVA, INC.,

Defendants.

Case No. 1:22-cv-00828-TDS-JEP

**SUPPLEMENTAL JOINT LOCAL  
RULE 5.5 REPORT**

Plaintiffs the Federal Trade Commission (“FTC”) and states of California, Colorado, Illinois, Indiana, Iowa, Minnesota, Nebraska, Oregon, Tennessee, Texas, Washington, and Wisconsin; and Defendants Syngenta Crop Protection AG, Syngenta Corporation, Syngenta Crop Protection, LLC (collectively, “Syngenta”) and Corteva, Inc. (together with the FTC and Syngenta, the “Parties”) have met and conferred pursuant to Local Rule 5.4(b)(1)(b) and the October 11, 2022 Joint Local Rule 5.5 Report (Doc. 19). The Parties hereby submit this Supplemental Joint Local Rule 5.5 Report.

**Alternative Proposal for Cases with Many Confidential Documents.**

The parties jointly propose the alternative procedures for managing motions to seal attached hereto as Exhibit A.

The parties incorporate by reference the other provisions of the October 11, 2022 Joint Local Rule 5.5 Report (Doc. 19).

Dated: April 15, 2024

Respectfully submitted,

/s/ Allyson M. Maltas  
ALLYSON M. MALTAS  
Senior Trial Counsel  
Federal Trade Commission  
Bureau of Competition  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Telephone: (202) 326-3646  
Email: amaltas@ftc.gov

KARNA ADAM  
JOSEPH R. BAKER  
WESLEY G. CARSON  
ELIZABETH A. GILLEN  
PHILIP J. KEHL  
MICHAEL J. TURNER  
JAMES H. WEINGARTEN

*Attorneys for Plaintiff Federal Trade Commission*

/s/ Nicole S. Gordon

NICOLE S. GORDON

Deputy Attorney General

Office of the California Attorney General

455 Golden Gate Avenue, Suite 11000

San Francisco, CA 94610

Telephone: (415) 510-4400

Email: nicole.gordon@doj.ca.gov

*Attorney for Plaintiff State of California*

/s/ Conor J. May

JAN M. ZAVISLAN

Senior Counsel

CONOR J. MAY

Assistant Attorney General

Colorado Department of Law

Office of the Attorney General

Ralph L. Carr Judicial Center

1300 Broadway, 7th Floor

Denver, CO 80203

Telephone: (720) 508-6000

Email: Jan.Zavislan@coag.gov

Conor.May@coag.gov

*Attorneys for Plaintiff State of Colorado*

/s/ Paul J. Harper

PAUL J. HARPER

Assistant Attorney General, Antitrust

Office of the Illinois Attorney General

115 S. LaSalle Street

Chicago, IL 60603

Telephone: (312) 814-3000

Email: paul.harper@ilag.gov

*Attorney for Plaintiff State of Illinois*

/s/ Matthew Michaloski

MATTHEW MICHALOSKI

CHRISTI FOUST

Deputy Attorneys General

SCOTT BARNHART

Chief Counsel and Director of Consumer  
Protection

Office of the Indiana Attorney General

Indiana Government Center South – 5th Fl.

302 W. Washington Street

Indianapolis, IN 46204-2770

Telephone: (317) 234-1479

Email: matthew.michaloski@atg.in.gov

christi.foust@atg.in.gov

scott.barnhart@atg.in.gov

*Attorneys for Plaintiff State of Indiana*

/s/ Noah Goerlitz

NOAH GOERLITZ  
Assistant Attorney General  
Office of the Iowa Attorney General  
1305 E. Walnut St.  
Des Moines, IA 50319  
Telephone: (515) 725-1018  
Email: noah.goerlitz@ag.iowa.gov

*Attorney for Plaintiff State of Iowa*

/s/ Katherine Moerke

KATHERINE MOERKE  
JASON PLEGGENKUHLE  
ELIZABETH ODETTE  
Assistant Attorneys General  
Office of the Minnesota Attorney General  
445 Minnesota Street, Suite 1200  
St. Paul, MN 55101-2130  
Telephone: (651) 296-3353  
Email: katherine.moerke@ag.state.mn.us  
jason.pleggenkuhle@ag.state.mn.us  
elizabeth.odette@ag.state.mn.us

*Attorneys for Plaintiff State of Minnesota*

/s/ Colin P. Snider

COLIN P. SNIDER  
Office of the Attorney General of  
Nebraska  
2115 State Capitol Building  
Lincoln, NE 68509  
Telephone: (402) 471-3840  
Email: Colin.Snider@nebraska.gov

*Attorneys for Plaintiff State of Nebraska*

/s/ Timothy D. Smith

TIMOTHY D. SMITH  
Senior Assistant Attorney General  
Antitrust and False Claims Unit  
Oregon Department of Justice  
100 SW Market St  
Portland, OR 97201  
Telephone: (503) 934-4400  
Email: tim.smith@doj.state.or.us

*Attorney for Plaintiff State of Oregon*

/s/ Hamilton Millwee

HAMILTON MILLWEE  
Assistant Attorney General  
TATE BALL  
Assistant Attorney General  
Office of the Attorney General of  
Tennessee  
P.O. Box 20207  
Nashville, TN 37202  
Telephone: (615) 291-5922  
Email: Hamilton.Millwee@ag.tn.gov  
Tate.Ball@ag.tn.gov

*Attorneys for Plaintiff State of Tennessee*

/s/ William Shieber

JAMES LLOYD  
Chief, Antitrust Division  
TREVOR YOUNG  
Deputy Chief, Antitrust Division  
WILLIAM SHIEBER  
Assistant Attorney General  
Office of the Attorney General of Texas  
300 West 15th Street  
Austin, TX 78701  
Telephone: (512) 936-1674  
Email: William.Shieber@oag.texas.gov

*Attorneys for Plaintiff State of Texas*

/s/ Luminita Nodit  
LUMINITA NODIT  
Assistant Attorney General,  
Antitrust Division  
Washington State Office  
of the Attorney General  
800 Fifth Ave., Suite 2000  
Seattle, WA 98104  
Telephone: (206) 254-0568  
Email: Lumi.Nodit@atg.wa.gov

*Attorney for Plaintiff State  
of Washington*

/s/ Laura E. McFarlane  
LAURA E. MCFARLANE  
Assistant Attorney General  
Wisconsin Department of Justice  
Post Office Box 7857  
Madison, WI 53707-7857  
Telephone: (608) 266-8911  
Email: mcfarlanele@doj.state.wi.us  
  
*Attorney for Plaintiff State of Wisconsin*

*/s/ Patrick M. Kane*

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Patrick M. Kane  
N.C. Bar No. 36861  
pkane@foxrothschild.com  
FOX ROTHSCHILD LLP  
230 N. Elm Street, Suite 1200  
PO Box 21927 (27420)  
Greensboro, NC 27401  
Telephone: 336.378.5200  
Facsimile: 336.378.5400

Paul S. Mishkin\*  
paul.mishkin@davispolk.com  
David B. Toscano\*  
david.toscano@davispolk.com  
DAVIS POLK & WARDWELL LLP  
450 Lexington Avenue  
New York, NY 10017  
Telephone: (212) 450-4292  
Facsimile: (212) 701-5292

\*Specially appearing under L.R. 83.1(d)

*Attorneys for Defendants Syngenta Crop  
Protection AG, Syngenta Corporation, and  
Syngenta Crop Protection, LLC*

*/s/ Mark E. Anderson*

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Mark E. Anderson  
N.C. Bar No. 15764  
manderson@mcguirewoods.com  
MCGUIREWOODS LLP  
501 Fayetteville Street, Suite 500  
Raleigh, NC 27601  
Telephone: 919.755.6600  
Facsimile: 919.755.6699

David R. Marriott\*\*  
dmarriott@cravath.com  
Margaret T. Segall\*\*  
msegall@cravath.com  
CRAVATH, SWAINE & MOORE LLP  
825 Eighth Avenue  
New York, NY 10019  
Telephone: (212) 474-1000  
Facsimile: (212) 474-3700

\*\* Specially appearing under L.R. 83.1(d)

*Attorneys for Defendant Corteva, Inc.*

## **Exhibit A**

### Alternative Proposal

1. **Applicability.** These procedures will apply in lieu of the Default Procedures for Motions to Seal provided by LR 5.4(c).
2. **Temporary Filing of Sealed Documents.** For each filing containing information designated as confidential by a party or nonparty, the filing party will file two complete sets of documents: one under seal and, within 3 days of the sealed version being filed, one public version with placeholders or redactions for each item designated as confidential. The version filed under seal must be a complete set, including all exhibits. The version filed under seal will remain under seal. Once the Court has ruled on the sealing motion, the party seeking sealing will file a new version on the public docket that reflects the Court's rulings as specified in ¶ 8.
3. **Meet and Confer Required.** The parties will meet and confer within 7 days after the conclusion of all briefing for the filing (including response and reply briefing, as applicable) to discuss the sealing of exhibits and/or portions of the briefing.
4. **Motion Required.** Within 14 days after the conclusion of all briefing for the filing (including response and reply briefing, as applicable), each party claiming confidentiality will file with the Court a motion to seal the unredacted brief(s) and unredacted exhibits, including a non-confidential description of what is to be sealed, and the supporting materials specified by LR 5.4(c)(3). Only one motion to seal per party is required for each round of briefing, and a separate brief to support a motion to seal is not

required. A party filing a motion to seal must file under seal any briefs or exhibits sought to be sealed as attachments to its motion, and the information sought to be sealed must be highlighted. To the extent the entirety of an exhibit or document is sought to be sealed, that document or exhibit need not be filed again as an attachment to the motion to seal.

5. **Claims by Nonparties.** If a party's filing contains information that a nonparty has designated or claimed as confidential, the filing party must provide the nonparty a public copy of its filing, along with a transcription of the nonparty's information that has been redacted by page or paragraph number, on the day that the public version of the filing is filed. Any nonparty claiming confidentiality will file with the Court a motion to seal the unredacted brief(s) and unredacted exhibits, including a non-confidential description of what is to be sealed, and the supporting materials specified by LR 5.4(c)(3) within 14 days after the conclusion of all briefing for the motion (including response and reply briefing, as applicable). The response should also include any contention that the items to be sealed are irrelevant or should be stricken rather than unsealed.

6. **LR 5.4 Checklist and Summary Chart.** Any party filing a motion to seal must submit to the assigned district and magistrate judges' ECF mailboxes the LR 5.4 Checklist and Summary Chart within 5 days of filing any motions to seal.

7. **Objections.** Any party that opposes sealing must file such objection to sealing in the form of a response in opposition to the motion to seal within 7 days of the filing of the motion to seal.



8.     **Withdrawal of Documents:** When the party filing a motion to seal is also the party claiming confidentiality, that party may elect to withdraw the documents for which sealing is sought, if the motion to seal is denied and no other party has relied upon the documents, in which case the documents will not be considered by the Court. Any such election must be included in the motion to seal, and if the motion to seal does not include such an election, the documents will be unsealed if the motion to seal is denied. If a motion to seal is partially denied and the party filing the motion has not elected to withdraw the sealed documents, that party shall re-file the sealed documents with corrected redactions consistent with the Court's ruling within 7 days of the ruling. If the Court grants all sealing requests in a motion, it will not be necessary to file a new version of the document.